

**REMARKS****Status of Claims:**

Claims 1-31 are pending in the application. Each claim defines an invention that is novel and unobvious over the cited art. Favorable consideration of this case is respectfully requested.

**Rejections Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph:**

Claims 1-26 and 31 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph, as being indefinite over the recitation "tuned polymer."

A person of skill in the art would understand "tuned polymer" from the context of the disclosure. Examples of a tuned polymer were recited including novolacs and thermally linked dyed phenolic polymers (page 8, lined 4-5) and epoxies and diamond-like carbon (claim 19). Moreover, various properties of a tuned polymer suitable for the invention were disclosed at page 7, line 21 to page 8, line 2. The properties included a specified range of refractive index at the imaging wavelength, extinction coefficient, and controlled interaction between the top and bottom layer. Given the disclosure of suitable type of polymer and suitable properties, a skilled artisan would readily be able to select an appropriate polymer for the resist. The concept of a tuned polymer was disclosed in the scientific literature in Lin, et al., *A High Resolution 248 nm Bilayer Resist*. 3678 SPIE 241 (1999) (enclosed in accompanying IDS).

**Rejection Under 35 U.S.C. § 103(a):**

Claims 1, 2, 4-6, 8, 12, 13, 17, 18, 20, and 22-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pike (6,420,097) in view of allegedly admitted prior art.

The Applicant has not characterized any reference as "prior art" and expressly denies any such "admission."

The Applicant hereby submits a Declaration under 37 CFR 1.131 to attest to a date of conception and provide evidence of diligence prior to the Pike filing date.

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Pike was filed May 2, 2000 and does not claim any earlier priority. Figure 4 of the present application comprises two electron micrographs each with identifying indicia applied by the camera system: WD12, dated 12-Jan-00; and WD13, dated 23-Dec-99. The dates of the electron micrographs provide evidentiary support for conception and diligence prior to the filing of Pike.

The dates support the declaration under 37 CFR 1.131, swearing behind, and thus disqualifying Pike.

**Conclusion:**

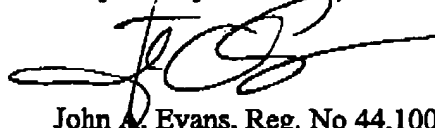
In view of the above, consideration and allowance are, therefore, respectfully solicited.

Accordingly, it is respectfully requested that the foregoing amendments be entered, that the application as so amended receive an examination on the merits, and that the claims as now presented receive an early allowance.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication, including any extension fees or fees for the net addition of claims, to Deposit Account No. 22-0185.

Respectfully submitted,



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